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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,693	NELSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher D. Koharski	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/15/2007.
2. ☒ The allowed claim(s) is/are 37-48 and 54-70.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian R. Tumm (Reg# 36,328) on 06/25/2007.

### **IN THE CLAIMS**

Please amend claim 37 removing the reference numerals:

37. (Previously presented)

A surgical irrigation system, comprising: a handpiece locatable adjacent a surgical site and comprising an irrigation liquid inlet and an irrigation liquid outlet; a motor/pump unit locatable remote from said handpiece and comprising (1) a motor having a shaft and (2) a housing including a receptacle having an end opening, a cover, and a motor receiving member axially opposing said receptacle and said cover; said motor receiving member comprising an end wall and a hollow tubular wall extending from said end wall and defining a recess, said end wall having a hole therethrough, said motor being received in said recess with said shaft extending through said hole in said end wall, said motor receiving member being interposed between said receptacle and cover; said cover comprising the open ended dome having a roof and a peripheral wall extending from said roof, said motor receiving member being received in said dome, an

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annular seal ring radially interposed between said motor receiving member and a surrounding portion of said peripheral wall of said dome, said motor receiving member being axially spaced from said roof of said dome by a pumping chamber, an impeller fixed on said shaft about said motor receiving member and disposed in said pumping chamber, said pumping chamber having an irrigation liquid inlet and an irrigation liquid outlet; an elongate irrigation liquid path connecting said irrigation liquid outlet of said motor/pump unit to said irrigation liquid inlet of said handpiece.

***Allowable Subject Matter***

Claims 37-48 and 54-70 are allowed over the prior art of record as amended in this office action.

The following is an examiner's statement of reasons for allowance: The claims in this application have been allowed because the prior art of record fails to disclose either singly or in combination the claimed device of a surgical irrigation system with a irrigation handpiece with a liquid path from a remote pole-engageable motor/pump unit comprising a specific motor/pump unit size and shape with a cover fitting over the motor/pump unit encompassing an impeller fixed on a shaft in the pumping chamber with an inlet and outlet for irrigation fluid.

The closest prior art of record is Atkinson (4,561,431), however this reference does not disclose the device as described above and claimed by Applicant.

Regarding claims 37, 54, 63 and 66, the closest prior art of record fails to teach among all the limitations the specific motor/pump unit comprising the impeller shaft,

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cover, motor walls, shaft and ring seal as claimed, Atkinson describes a pump unit within a housing using a piston type pump mechanism.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Koharski whose telephone number is 571-272-7230. The examiner can normally be reached on 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date: 6/25/07

  
NICHOLAS D. LUCHESE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER

  
Christopher D. Koharski  
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